



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

November 16, 2005

SUBJECT: **2005-0958** – Judy Nguyen [Applicant]: Application located at **1294 Kifer Road** (near Oakmead Pkwy) in an M-S/PD (Industrial & Service/Planned Development) Zoning District.

Motion Use Permit to allow on-sale alcohol sales at a restaurant in an industrial area.

REPORT IN BRIEF

Existing Site Conditions Industrial buildings

Surrounding Land Uses

North Industrial

South Self-Storage and Southern Pacific Railroad

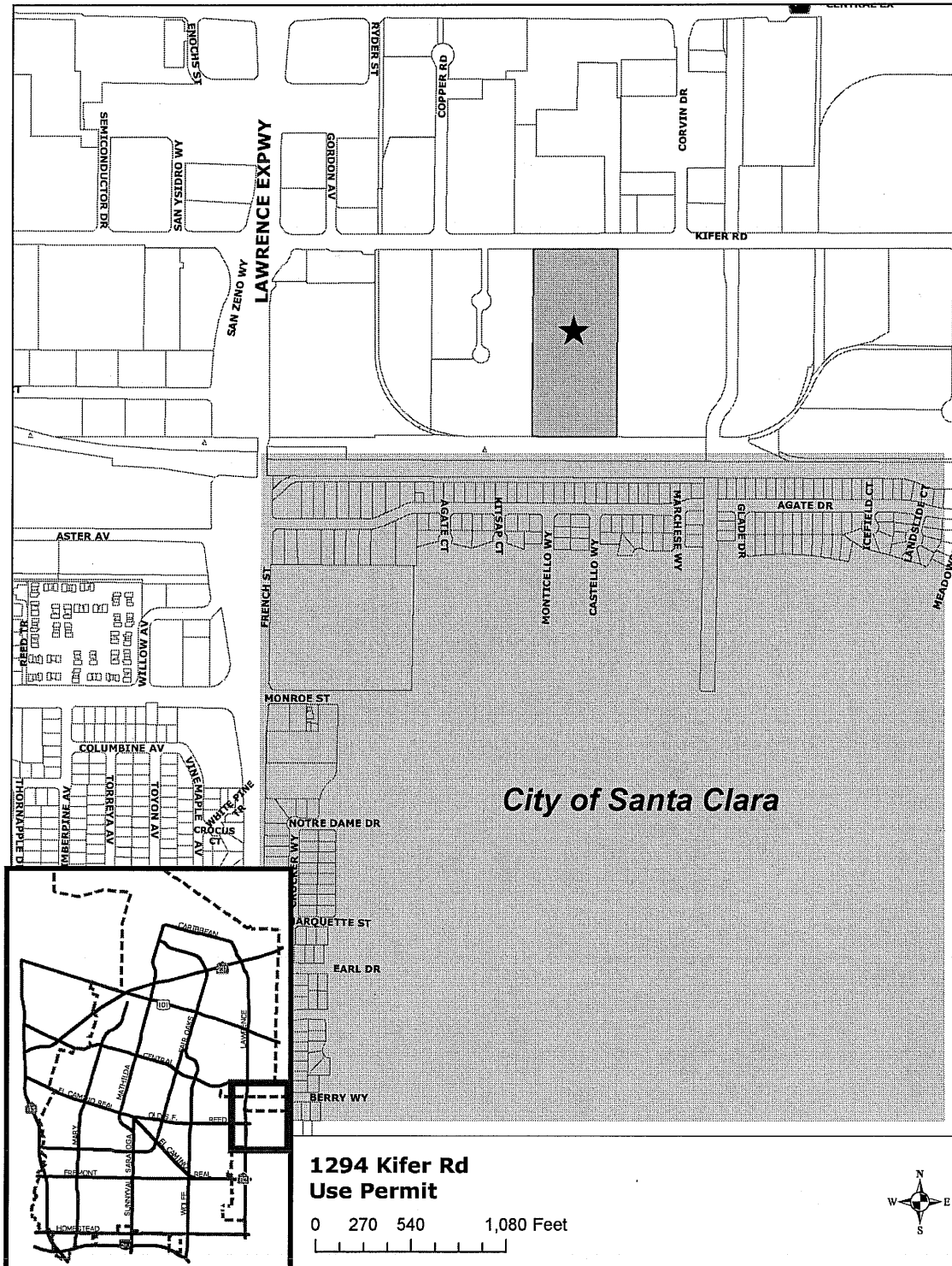
East Industrial

West Industrial

Issues Permitted Use

Environmental Status A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with Conditions



PROJECT DATA TABLE

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED/ PERMITTED</u>
General Plan	Industrial	Same	Industrial
Zoning District	M-S/PD	Same	N/A
Lot Size (s.f.)	Seven lots of approx. 18,900 each and a common lot of 388,215	Same	22,500 min.
Gross Floor Area (s.f.)	Seven buildings of approx. 25,000 sq. ft. each 175,557 total	Same	175,557 max.
Lot Coverage (%)	35%	Same	45% max.
Floor Area Ratio (FAR)	35%	Same	35% max.
No. of Buildings On- Site	7	Same	N/A
Setbacks (ft.) (facing prop.)			
• Front	87	Same	35 min.
• Left Side	62	Same	20 min.
• Right Side	62	Same	20 min.
• Rear	62	Same	No min.
Landscaping (sq. ft.)			
• Total Landscaping	125,770 25%	Same	100,275 min. 20%
• Frontage Width (ft.)	17	Same	15 ft. min.
• Parking Lot Area Shading (%)	50% min. in 15 years	Same	50% min. in 15 years
Parking			
• Total No. of Spaces	624	Same	352 min. 702 max.
• No. of Standards	302	Same	296 min.
• No. of Compacts / % of total	306/49%	Same	50% max.
• No. of Accessible	16	Same	11 min.
• Driveway Aisle Width (ft.)	26 ft.	Same.	26 ft. min.

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED/ PERMITTED</u>
• Bicycle Parking	Class I provided within the building 14 Class II	Same	12 Class II min.
Stormwater			
• Impervious Surface Area (s.f.)/%	375,605 / 75%	Same	N/A

ANALYSIS

Description of Proposed Project

The applicant is proposing to have alcohol sales in a new restaurant.

Background

Thanh's Restaurant is a proposed new restaurant in a new industrial complex. Restaurants in this project are permitted without permits if they are less than 5% of the building's total square footage and do not serve alcohol. In this case, the proposed restaurant is less than 5% but is proposing to serve alcohol; therefore, a Special Development Permit is required.

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
2004-0361	Allow seven new industrial condominium buildings with a maximum of 63 individual tenant spaces	City Council - Approved	7/13/2004
1988-0292	Allow an adjacent property to use 95 parking spaces on-site	Administrative Hearing - Approved	12/15/1988
1960-0002	Construct industrial building	City Council - Approved	6/27/1960

Environmental Review

A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 3 Categorical Exemption includes changes of use in restaurants.

Special Development Permit

Use: The applicant is proposing a new restaurant in a new industrial complex. The restaurant will serve alcoholic beverages including beer and wine. Planning Staff recommends Condition of Approval #3, which states the hours of operation are as follows:

Monday – Sunday: 7:00am – 11:00pm

Site Layout: This restaurant is located in a new industrial center consisting of seven industrial condominium buildings and a maximum total of 63 individual tenants. The applicant is not proposing any exterior or interior changes to the building.

Parking: The parking of the site was reviewed at the time the use was approved (2004) and it was determined that the site had sufficient parking for the proposed use. No additional parking is required at this time.

Compliance with Development Standards/Guidelines: The proposed project complies with all current development standards. No further improvements are required at this time.

Expected Impacts on the Surroundings

Staff believes that the proposed sale of alcohol at the site should not have a negative impact on the surrounding uses. There are nearby restaurants and stores with on and off-sale of alcohol that are open late.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> Published in the <i>Sun</i> newspaper Posted on the site 13 notices mailed to property owners and residents adjacent to the project site 	<ul style="list-style-type: none"> Posted on the City of Sunnyvale's Website Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> Posted on the City's official notice bulletin board City of Sunnyvale's Website Recorded for SunDial

Conclusion

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Special Development Permit. Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.

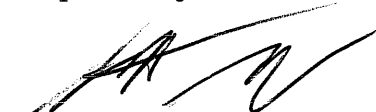
Alternatives

1. Approve the Special Development Permit with the Recommended Conditions of Approval found in Attachment B.
2. Approve the Special Development Permit with modified Conditions of Approval.
3. Deny the Special Development Permit.

Recommendation

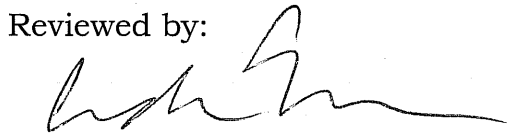
Alternative 1.

Prepared by:



Steve Lynch
Project Planner

Reviewed by:



Andrew Miner
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans

Recommended Findings - Special Development Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project will provide additional commercial opportunities while not causing any negative impacts to surrounding uses.

Land Use and Transportation Element

Policy N1.7- Support the location of convenient retail and commercial services (e.g. restaurants and hotels) in industrial areas to support business, their customers and their employees.

The proposed use will enable the business to provide an additional use that is a service to its patrons.

Land Use and Transportation Element

Action Statement N1.1.1 – Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.

The proposed use will not negatively impact adjacent properties or significantly increase noise and traffic in the commercial-industrial area.

2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District.

The site is appropriately located in an industrial and service center. The ability to sell alcohol at a restaurant will not interfere with the neighboring industrial uses. The proposed business will not be a detriment to neighboring properties through conformance to the conditions of the Special Development Permit.

Recommended Conditions of Approval - Special Development Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

GENERAL CONDITIONS

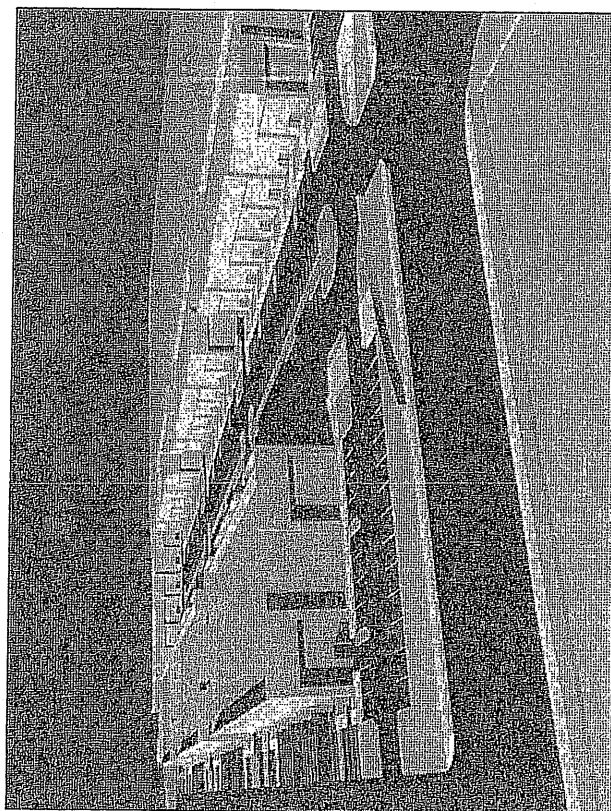
1. The two-year expiration of the Special Development Permit shall be measured from the date of the approval by the final review authority at a public hearing if the approval is not exercised.
2. Project shall be in substantial conformance to the approved plans. Minor changes may be approved by the Director of Community Development. Major changes shall be approved at a public hearing.
3. The operation hours for the business shall be as follows:
Monday – Sunday: 7:00am – 11:00pm
4. All recycling and solid waste shall be confined to approved receptacles and enclosures.
5. The property shall remain clean and free of debris and garbage.
6. The building facade shall be maintained in good condition.

1. What is the main purpose of the document?
 2. What are the key findings of the study?
 3. What are the implications of the findings?
 4. What are the limitations of the study?
 5. What are the conclusions of the study?

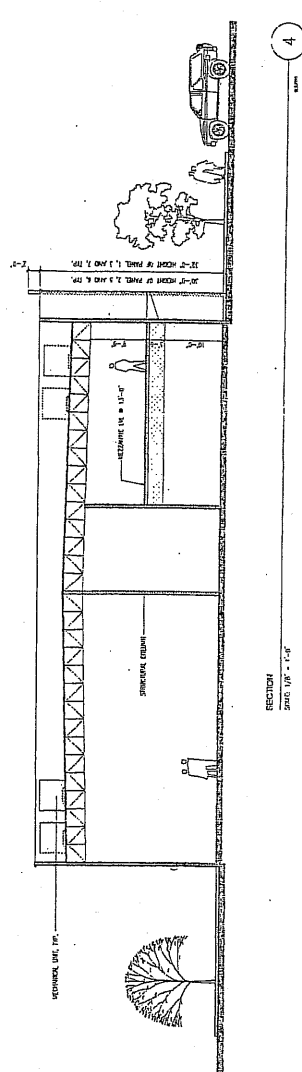
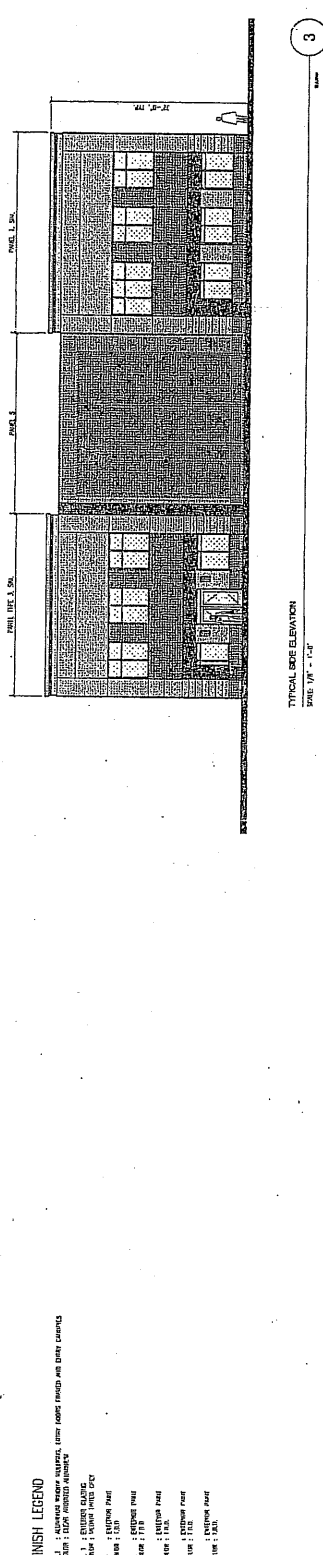
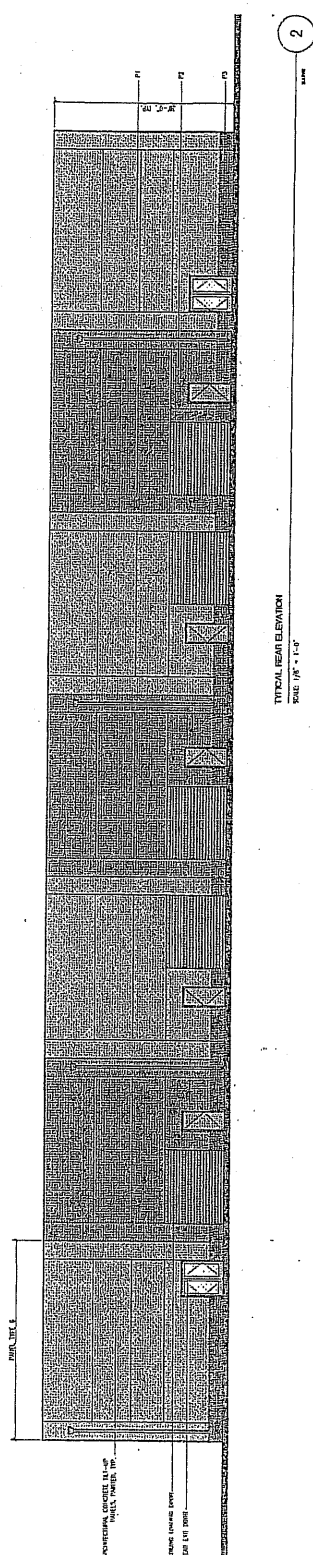
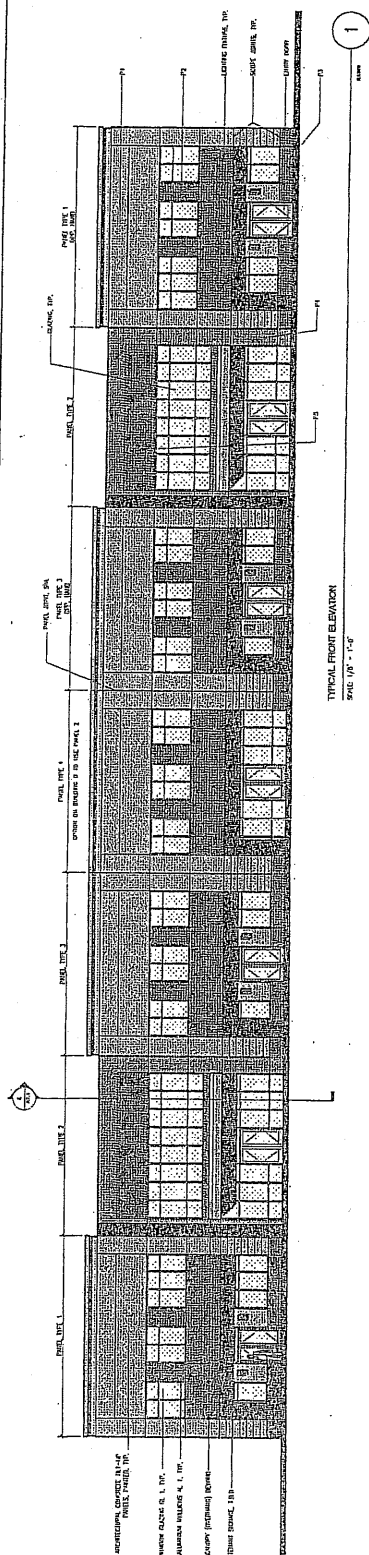
(6) Pine Street
San Francisco, CA 94111
Tel 415.781.9900
Fax 415.781.5216
www.fine.com

1290 KIFER ROAD
OFFICE INDUSTRIAL PARK

USE POINT	DATE
APR 6, 2004	

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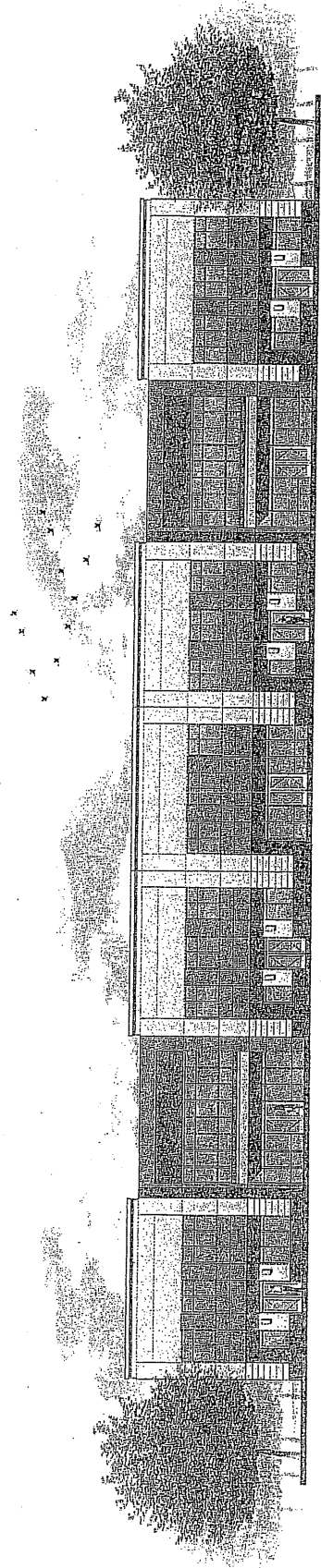
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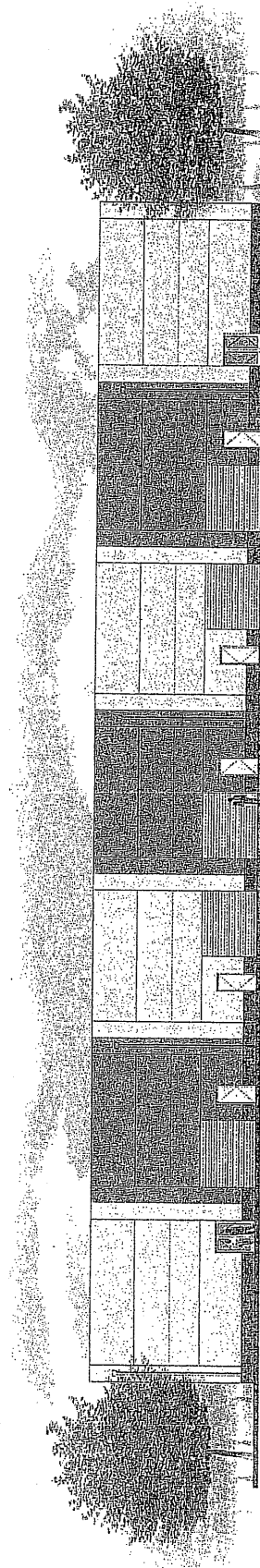
1290 KIFER ROAD
SUNNYVALE, CA

appeared for the first time by
himself. He was a young man.

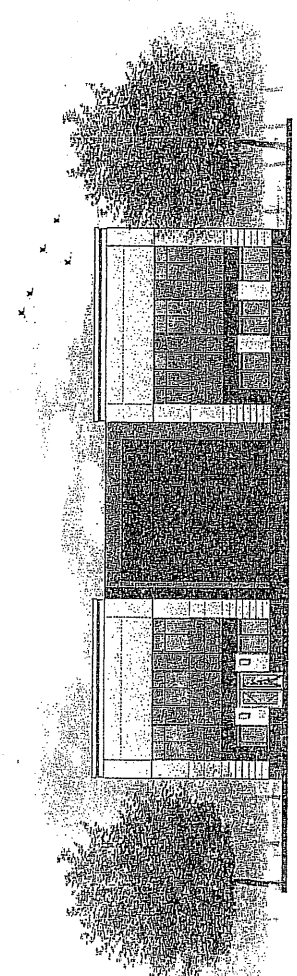
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TYPICAL FRONT ELEVATION



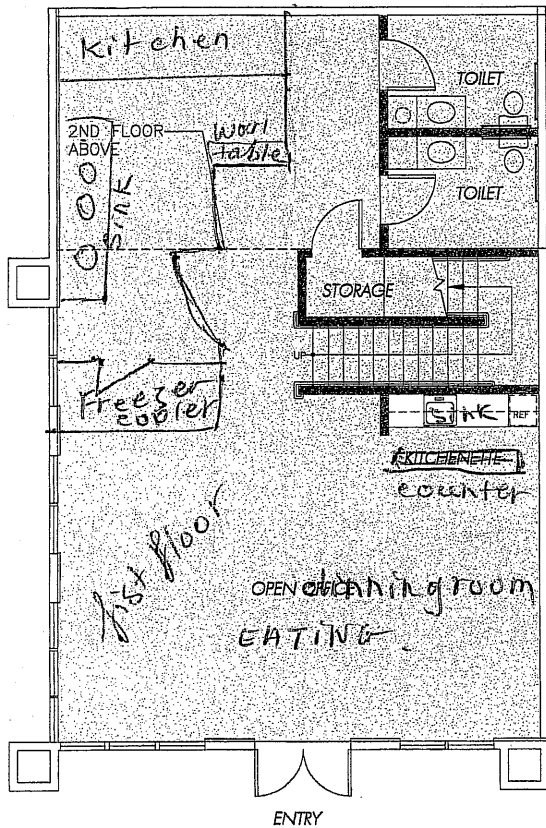
TYPICAL REAR ELEVATION



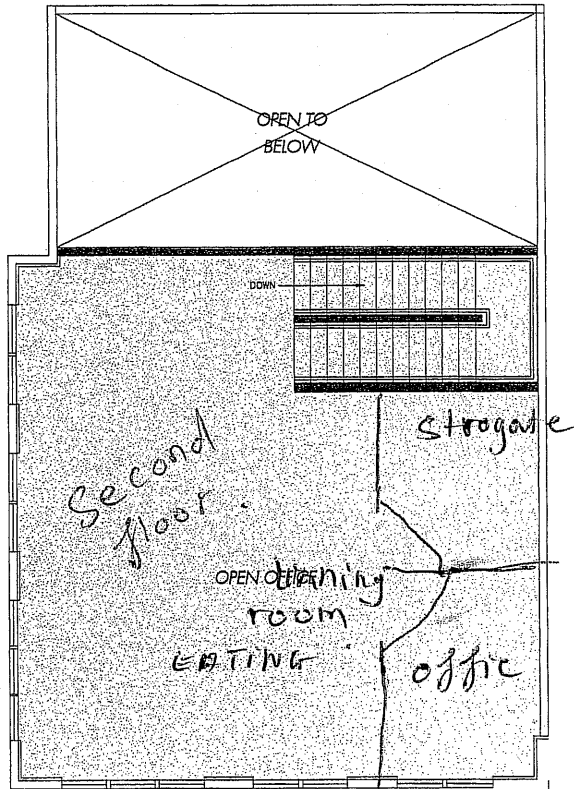
TYPICAL SIDE ELEVATION



ATTACHMENT C
THANH'S Restaurant Page ant 4 of 4
1294 Kifer rd #701
sunnyvale



FIRST FLOOR



SECOND FLOOR